

**25412. Dates.** (F.D.C. No. 42790. S. No. 47-420 P.)

**QUANTITY:** 50 70-lb. boxes at Cambridge, Mass.

**SHIPPED:** 11-14-58, from New York, N.Y.

**LIBELED:** 1-14-59, Dist. Mass.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 3-9-59. Default—destruction.

**25413. Dried apple pomace.** (F.D.C. No. 42745. S. Nos. 47-294/6 P.)

**QUANTITY:** 41 55-lb. bags and 250 75-lb. bags at Malden, Mass., in possession of A. A. Knights & Son Corp.

**SHIPPED:** 8-26-58 and 10-24-58, from Beglerville, Pa.

**LIBELED:** 12-23-58, Dist. Mass.,

**CHARGE:** 402(a) (3)—contained rodent hair fragments; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 2-16-59. Default—destruction.

### MISCELLANEOUS FRUIT PRODUCTS

**25414. Cider, vinegar, and an acidulated mixture of water and limejuice.** (Inj. No. 330.)

**COMPLAINT FOR INJUNCTION FILED:** 2-27-58, Dist. N.H., against Harold M. Richardson, t/a Richardson Vinegar Works, and against Lime Products, Inc., Derry, N.H.

**CHARGE:** The complaint alleged that the defendants were operating a plant for the preparation, storage, and distribution of cider, vinegar, and an acidulated mixture of water and limejuice, and that the defendants had been and were introducing and causing to be introduced into interstate commerce, such articles which were adulterated within the meaning of 402(a) (3) and (4) by reason of contamination of the articles with insects, insect fragments, insect eggs, mites, and maggots; the use of wormy apples in the preparation of the cider and vinegar; the presence of vinegar eels in the vinegar; the use of rotten apples in the preparation of the cider and vinegar; and by reason of the articles being prepared, packed, and held under insanitary conditions at the defendants' plant at Derry.

It was alleged that the insanitary conditions resulted from and consisted of the presence of large numbers of rotten and wormy apples in the stock of apples held in storage bins; deposits of vegetable debris (leaves, grass, stems and pieces of apples, and apple pulp) on the conveyor belt carrying the apples from the storage bins to the grinder and over the open bin leading to the grinder; hundreds of fruit flies on the apples in the open bin leading to the grinder and on the frame work of the hydraulic press used to squeeze the juice from the ground apples; insects, including fruit flies, insect fragments, insect eggs, mites, and maggots on the inside walls of the storage tanks of the articles; vinegar eels in the vinegar in the storage tanks; apple pomace stacked just outside the plant and attracting hundreds of fruit and house flies; and unscreened windows and doors throughout the plant.

It was alleged also that the acidulated mixture of water and limejuice was misbranded within the meaning of 403(a), in that the label statement "Lime Fruit Juice" was false and misleading as applied to a mixture consisting of water, limejuice, benzoate of soda, and citric acid; and 403(i) (2), in that the label of the mixture failed to bear the common or usual name

of each ingredient, since the label failed to declare the presence of citric acid.

It was alleged further that on January 13, 1958, the defendants had on hand stocks of the articles which in the ordinary course of business would be shipped in interstate commerce, and that such stocks constituted a menace to interstate commerce because of contamination with filth.

The complaint alleged further that the defendants were well aware that their activities violated the Act; that various inspections had been made by the Food and Drug Administration at which times the insanitary conditions in the plant were called to the attention of the defendants; and that despite such warnings, the defendants failed to correct the insanitary conditions in the plant and continued to introduce into interstate commerce, the articles which were adulterated and misbranded as specified above.

**DISPOSITION:** On 5-7-58, the defendants having consented, the court entered a decree permanently enjoining and restraining the defendants from introducing into interstate commerce, cider or vinegar which was adulterated within the meaning of 402(a) (3) and (4) as alleged in the complaint, or any acidulated mixture of water and limejuice which was adulterated within the meaning of 402(a) (3) and (4), or misbranded within the meaning of 403(a) and 403(i) (2) as alleged in the complaint. The order also enjoined defendants against introducing into interstate commerce, any of the stocks of the articles which were on hand at the defendants' plant on 1-13-58, unless and until such stocks were processed or disposed of, and the conditions at the defendants' plant were corrected and brought into compliance with the Act in accordance with the following provisions:

(a) that all sweet cider be analyzed by the Food and Drug Administration and its disposition determined on the basis of the results of the analyses; (b) that the middle layer of vinegar in each tank be layered off and filtered before bottling and sale; (c) that the bottom and top layers of vinegar in each tank be destroyed; (d) that the tanks and vats in defendants' plant be reconditioned and cleaned under supervision of the Food and Drug Administration; that repairs and improvements be made to the plant and its equipment to insure that they be kept free from filth and debris; that defendants dispose of all citric acid on hand; and that all "Princess Ann West India Lime Fruit Juice" labels be destroyed or brought into compliance with the Act.

**25415. Orange juice.** (F.D.C. No. 42789. S. No. 2-830 P.)

**QUANTITY:** 280 cases, 12 1-qt. ctns. each, at Atlanta, Ga.

**SHIPPED:** 9-23-58, from Clermont, Fla.

**LIBELED:** 1-14-59, N. Dist. Ga.

**CHARGE:** 402(b) (2)—while held for sale, water had been substituted in part for orange juice; 402(b) (4)—water had been added to orange juice or mixed or packed with it so as to increase its bulk and reduce its quality; and 403(a)—the vignette depicting oranges dripping juice into a Redi-Maid carton, and the label statement "A superior blend of Florida orange juice and reconstituted orange juice with sucrose added" were false and misleading since they represented and suggested that the article was orange juice, sweetened; whereas, it was diluted orange juice, sweetened.

**DISPOSITION:** 2-18-59. Default—delivered to a public institution for its use and not for sale.

**25416. Grapejuice.** (F.D.C. No. 42608. S. Nos. 37-095 P, 54-286 P.)

**QUANTITY:** 106 cases, 12 btls. each, at St. Louis, Mo.